

PATENT APPLICATION  
Docket No: 678-1313 (P11236)

REMARKS

Claims 1-27 are pending in this application. At page 2 of the Office Action, it is noted that Claims 18, 20, 22 and 24 were objected to for an informality of requiring definition of variable "P" and an indication was provided that anything within parenthesis will not be given any patentable weight. Claims 1, 2 and 9 were rejected as follows: Claim 1 was rejected under 35 U.S.C. §112, second paragraph, as being incomplete for omitting essential elements used in the equations on page 62, lines 15 and 18 of the specification, with such omission amounting to a gap between elements (MPEP 2172.01); Claims 1 and 2 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. 6,584,145 to Camagna et al. in view of U.S. Patent No. 6,236,278 to Olgaard; and Claims 2 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. 7,085,309 to Oesch et al. in view of Camagna et al. and further in view of Olgaard.

The allowance of Claims 3-8 and 10-27 is gratefully acknowledged.

Claims 16, 18, 20, 22 and 24 have been amended. No new subject matter is presented.

In regard to the rejection of Claim 1 under 35 U.S.C. §112, second paragraph, the Examiner cited MPEP 2172.01 in support of the rejection. In regard to the second paragraph of 35 U.S.C. §112, MPEP 2172.01 reads:

... a claim which fails to interrelate essential elements of the invention as defined by applicant(s) in the specification may be rejected under 35

PATENT APPLICATION  
Docket No: 678-1313 (P11236)

U.S.C. 112, second paragraph, for failure to point out and distinctly claim the invention.

It is respectfully submitted the Examiner has failed to make any showing, much less a *prima facie* showing, of how the variables used in the equations on page 62, lines 15 and 18, of the specification are not interrelated. The Examiner's attention is directed to the interrelation of the various elements that is set forth within Claim 1 itself. Please also consider that Claim 1 includes all elements, steps and necessary structural cooperative relationships of elements necessary to practice the invention.

Accordingly, it is submitted that the rejection of Claim 1 under 35 U.S.C. §112, second paragraph, should be withdrawn.

In regard to the rejection of each of Claims 1, 2 and 9, the Examiner cited Figure 4 of Camagna et al. as allegedly disclosing each of a phase accumulator, a register and a calculator. It is respectfully submitted that the Examiner is incorrect. Each of Claims 1, 2 and 9 include a recitation of a phase accumulator for accumulating input phase difference data to generate phase data, said phase accumulator including a register for storing and outputting said phase data, and a calculator for one of adding and subtracting said input phase difference data and said phase data from said register.

Nowhere in the cited portions or elsewhere does Camagna et al. disclose each of the claimed accumulator, register and calculator. At the top of page 3 of the Office Action, Figure 4 and Col. 5, lines 15-26 of Camagna et al. are cited. In Figure 4 and the associated description of Camagna et al., item 106 is an accumulator and item 108 is a

PATENT APPLICATION  
Docket No: 678-1313 (P11236)

phase calculating circuit.

The Office Action improperly refers to item 114, which appears in Figure 6 of Camagna et al., as a memory and as a register. At line 6 of page 3 of the Office Action, item 114 of Camagna et al., is cited as being “a memory,” while item 114 of Camagna et al. is cited as being “a register” at line 12 of page 5 of the Office Action. However, Camagna et al. describes item 114 as being “a coefficient generator 114, “ceff ROM”, ... to generate a vector of filter coefficients corresponding to the signal Phase A.” (Col. 7, lines 1-3 of Camagna et al.)

Neither Figure 4 of Camagna et al. nor the associated description or other disclosure discloses or suggests a register for storing and outputting said phase data, as in each of Claims 1, 2 and 9. The other cited references fail to cure this defect. For at least this reason, the rejection should be withdrawn.

Finally, in regard to the objection to Claims 16, 18, 20, 22 and 24 that is noted at page 2 of the Office Action, it is believed that the amendment of Claims 16, 18, 20, 22 and 24 properly defines the variable “P” and overcomes this objection.

Accordingly, all of the claims pending in the Application, namely, Claims 1-27, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, it is requested that the Examiner contact Applicants’ attorney at the number given below.

PATENT APPLICATION  
**Docket No: 678-1313 (P11236)**

Respectfully submitted,



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